

CAPANA SWISS ADVISORS AG vs RYMARK  
SHAEN BERNHARDT - 09/04/2024

Page 1

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF UTAH  
3  
4 \* \* \* \* \*  
5 CAPANA SWISS ADVISORS AG, a  
6 Swiss corporation; AMERIMARK  
7 AUTOMOTIVE AG, a Swiss  
8 corporation,  
9  
10 Plaintiffs,  
11 v.  
12 RYMARK, INC., a Utah corporation;  
13 NICHOLAS THAYNE MARKOSIAN, an  
14 individual; JOHN KIRKLAND, an  
15 individual; and VICKY SMALL, an  
16 individual,  
17  
18 Defendants.  
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1 THE WITNESS: Excuse me. I assume I don't have to spell  
2 that out.

3 Q. Do you have any current business dealings with Mr.  
4 Leshem?

5 A. I've had some conversations with him since the beginning  
6 of this litigation. He obviously was involved in great detail  
7 with Rymark and the AmeriMark companies, and he was a very good  
8 resource for information on those.

9 But business dealings, no.

10 And in fact, the board of directors of Capana Swiss  
11 Advisors had a conference. I think it was only two directors  
12 represented at that conference -- I certainly had some discussions  
13 with them about the AMF report and Mr. Leshem.

14 And I believe, although I wasn't in that conference, I  
15 believe that they decided that there would be no more commercial  
16 activity of any kind, direct or indirect, with Mr. Leshem after  
17 that report.

18 I'm speculating a little bit; that's my general  
19 understanding of the aftermath of that meeting.

20 Q. Would there be minutes of that meeting?

21 A. No.

22 Q. Does Capana not take minutes of meetings of its board of  
23 directors?

24 A. Not in an informal -- sorry, I interrupted you.

25 Q. No, go ahead.

1 REPORTER'S CERTIFICATE

2 STATE OF UTAH )

3 COUNTY OF UTAH )

4 I, Spencer Von Jarrett, a Certified Shorthand Reporter,  
5 Registered Professional Reporter, hereby certify:

6 THAT the foregoing proceedings were taken before me at  
7 the time and place set forth in the caption hereof; that the  
8 witness was placed under oath to tell the truth, the whole truth,  
9 and nothing but the truth; that the proceedings were taken down by  
10 me in shorthand and thereafter my notes were transcribed through  
11 computer-aided transcription; and the foregoing transcript  
12 constitutes a full, true, and accurate record of such testimony  
13 adduced and/or oral proceedings had, and of the whole thereof.

14 I have subscribed my name on this 3rd day of September,  
15 2024.

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Spencer Von Jarrett

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Registered Professional Reporter #993793

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